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Dated: June 21, 2011

Electronic Signature for Lawrence E. Russ: /Lawrence E. Russ/

EXPEDITED PROCEDURE

Group Art Unit: 2484

Docket No.: SONYJP 3.3-342

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	:
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Oiwa et al.	:
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Application No.: 10/500,401	: Group Art Unit: 2484
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Filed: February 2, 2005	: Examiner: S. Y. Hasan
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	:
For: APPARATUS AND METHOD FOR	:
RECORDING AND REPRODUCING	:
INFORMATION AND COMPUTER PROGRAM	:

AMENDMENT UNDER 37 CFR § 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated May 11, 2011, finally rejecting claims 1, 4-11 and 14-20, please amend the above-identified U.S. patent application as follows:

IN THE CLAIMS

1. (currently amended) An information recording apparatus for executing a data recordation process, the information recording apparatus comprising:

a plurality of information recording means for recording data; and

a recordation control process executing section for executing a selection process to select a one of the plurality of information recording means ~~medium based on~~ having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction, the control information including reproduction procedure information in which a procedure for reproducing data is stored and reproduction management information in which link information to the reproduction procedure information, video/audio section data file names, time information, and video/audio header information are stored,

wherein in the case of continuously executing a data recordation process to at least another of the plurality of information recording means, a plurality of pieces of reproduction procedure information are generated corresponding respectively to the plurality of information recording means, and link information to the plurality of pieces of reproduction procedure information is stored to one piece of the reproduction management information, and

wherein the recordation control process executing section is adapted to store continue information, representative of whether recording a same content continuously to a next piece of reproduction procedure information, to storage domains corresponding to individual

pieces of reproduction procedure information, and to store end information other than the continue information, representative of whether a piece of reproduction procedure information is a final piece of reproduction procedure information, in a data storage domain corresponding to an individual piece of reproduction procedure information.

2. - 3. (cancelled)

4. (currently amended) An information recordation apparatus according to claim 1, wherein the recordation control process executing section is adapted to store, in each piece of the reproduction procedure information, management information on data continuously recorded on one of the plurality of information recording means~~medium~~, and information enabling a storage position of the data to be determined.

5. (previously presented) An information recordation apparatus according to claim 1, wherein the recordation control process executing section is adapted to compare an available capacity for recording data between the plurality of information recording means, and select information recording means having a greater available capacity for data recordation.

6. (previously presented) An information recordation apparatus according to claim 1, wherein the recordation control process executing section is adapted to compare a remaining capacity of the information recording means under data recording with a preset threshold, and execute continuously a data recordation process to another information recording means on condition that the remaining capacity becomes less than the threshold.

7. (previously presented) An information recordation apparatus according to claim 1, wherein the recordation control process executing section is adapted to generate first reproduction procedure information when commencing a data recordation process to the information recording means, and

store link information to the first reproduction procedure information to the reproduction management information, and generate new second reproduction procedure information in the case of executing continuing data recording to different information recording means, store link information to the second reproduction procedure information to the reproduction management information, and set continue information representative of having next reproduction procedure information to the first reproduction procedure information.

8. (currently amended) An information reproduction apparatus for executing a data recordation process and for executing a data reproducing process, the information reproduction apparatus comprising:

a plurality of information recording means for subject-of-reproducing data;

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction; and

a reproduction control process executing section for executing a reproducing process of data continuously stored on the information recording means, depending upon the control information;

the control information including reproduction procedure information in which a procedure for reproducing data is recorded and reproduction management information in which link information to the corresponding reproduction procedure information, video/audio section data file names,

time information, and video/audio header information are stored,

wherein each of the plurality of information recording means stores management information about content recorded on at least one different recording means~~medium~~, and

in a case that there are a plurality of pieces of reproduction procedure information linked to the reproduction management information, the plurality of pieces of reproduction procedure information are switched in order and applied as control information, and reproduction-of-subject data is acquired from different information recording means based on an individual piece of reproduction procedure information, and

wherein the reproduction management information stores, in a data storage domain corresponding to each piece of reproduction procedure information, continue information representative of whether recording a same content continuously to next pieces of reproduction procedure information, and

the reproduction management information stores, in a data storage domain corresponding to an individual piece of reproduction procedure information, end information other than the continue information and representative of whether a piece of reproduction procedure information is a final piece of reproduction procedure information.

9. (previously presented) An information reproduction apparatus according to claim 8, wherein the reproduction control process executing section is adapted to determine whether to continuously execute reproduction control depending upon the continue information in the reproduction management information for the piece of reproduction procedure information corresponding to the data under reproduction

10. (currently amended) An information reproduction apparatus according to claim 8, wherein the reproduction control process executing section is adapted to acquire, from the reproduction procedure information, management information on data continuously recorded on one of the plurality of information recording means ~~medium~~ and information enabling a storage position of the data to be determined.

11. (currently amended) An information recording method for an information recording apparatus having a plurality of information recording means for recording data, the information recording method comprising:

selecting an information recording means having greatest available capacity ~~medium~~ from the plurality of information recording means ~~based on available capacity~~;

generating reproduction procedure information in which a reproducing procedure is recorded as reproduction control information corresponding to recording data, and reproduction management information in which link information to the reproduction procedure information, video/audio section data file names, time information, and video/audio header information are stored,

wherein in the case of continuously executing a data recordation process to a plurality of information recording means, the generating step generates a plurality of pieces of reproduction procedure information corresponding respectively to the plurality of information recording means, and link information to the plurality of pieces of reproduction procedure information is stored to one piece of the reproduction management information, and

continue information, representative of whether recording a same content continuously to a next piece of reproduction procedure information, is stored to data storage domains corresponding to individual pieces of

reproduction procedure information and end information other than the continue information, representative of whether a piece of the reproduction procedure information is a final piece of reproduction procedure information, is stored in a data storage domain corresponding to an individual piece of reproduction procedure information.

12. - 13. (cancelled)

14. (currently amended) An information recording method according to claim 11, further including storing, in each piece of the reproduction procedure information, management information on data continuously recorded on one of the plurality of information recording means~~medium~~, and storing information enabling a storage position of the data to be determined.

15. (previously presented) An information recording method according to claim 11, further including comparing an available capacity for recording data between the plurality of information recording means, and selecting information recording means having a greater available capacity for data recordation.

16. (previously presented) An information recording method according to claim 11, further including comparing a remaining capacity of the information recording means under data recording with a preset threshold, and executing continuously a data recordation process to another information recording means when the remaining capacity becomes less than the threshold.

17. (previously presented) An information recording method according to claim 11, further including

generating first reproduction procedure information when commencing a data recordation process to the information recording means, and storing link information to the first reproduction procedure information to the reproduction management information, and

generating new second reproduction procedure information in the case of executing continuing data recording to different information recording means, storing link information to the second reproduction procedure information to the reproduction management information, and setting continue information representative of a next piece of reproduction procedure information in a data storage domain corresponding to the first reproduction procedure information.

18. (currently amended) An information recording and reproducing method for an information reproducing apparatus having a plurality of information recording means for recording subject-of-reproducing data, the information recording and reproducing method comprising:

selecting an information recording means having greatest available capacity from the plurality of information recording means;

generating reproduction procedure information in which a reproducing procedure is recorded as reproduction control information corresponding to recording data;

acquiring, as the control information, the reproduction procedure information in which ~~a~~ the procedure for reproducing data is recorded and reproduction management information in which link information to the corresponding reproduction procedure information, video/audio section data file names, time information, and video/audio header information are stored, wherein each of the plurality of information recording means stores management information about content recorded on at least one different information recording means ~~medium~~; and

reproducing the data, wherein, in a case that there are a plurality of pieces of reproduction procedure information linked to the reproduction management

information, the plurality of pieces of reproduction procedure information are switched in order and applied as the control information, and reproduction-of-subject data is acquired from different information recording means based on an individual piece of reproduction procedure information,

wherein the reproduction management information stores, in data storage domains corresponding to each piece of reproduction procedure information, continue information representative of whether recording a same content continuously to next pieces of reproduction procedure information, and

wherein the reproduction management information stores, in data storage domains corresponding to each piece of reproduction procedure information, end information other than the continue information and representative of whether a piece of reproduction procedure information is a final piece of reproduction procedure information.

19. (currently amended) An information recording and reproducing method according to claim 18, wherein the reproducing step includes determining whether to continuously execute reproduction control depending upon the continue information in the reproduction management information for the piece of reproduction procedure information corresponding to the data under reproduction.

20. (currently amended) An information recording and reproducing method according to claim 18, wherein the reproducing step includes acquiring, from the reproduction procedure information, management information on data continuously recorded on one of the plurality of information recording means ~~medium~~ and information enabling a storage position of the data to be determined.

21.- 22. (cancelled)

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3, 12-13 and 21-22 are cancelled. Claims 1, 4-11 and 14-20 remain pending in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 4, 10, 14, and 19-20 have been amended solely to have the claims conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1, 4-7, 11 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsonomiya (U.S. Patent Application Publication No. 2002/0066113) in view of Yoshida (U.S. Patent Application Publication No. 2004/0160863). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1 and 11 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 10 and page 51 of the specification.

As amended herein, **claim 1** recites:

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction, the control information including reproduction procedure information in which a procedure for reproducing data is stored and reproduction management information in which link

information to the reproduction procedure information, video/audio section data file names, time information, and video/audio header information are stored, [.]

(Emphasis added.) Neither the relied on sections of Utsonomiya, nor the relied on sections of Yoshida disclose or suggest executing a selection process to select one of a plurality of information recording means having greatest of available capacities of the information recording means.

Rather, such sections of Utsonomiya merely describe a control unit which (i) judges that available capacity of a disk is low and that content cannot be recorded on that disk to the end of the content (ii) generates consecutive recording information indicating the recorder/player to which the content will be consecutively recorded to. (See ¶ [0047].) These sections of the reference are not concerned with executing a selection process to select a recorder/player having greatest of available capacities.

The relied on sections of Yoshida do not overcome the shortcomings of the relied on sections of Utsonomiya.

It follows, for at least these reasons, that neither the relied on sections of Utsonomiya nor the relied on sections of Yoshida, whether taken alone or in combination, disclose or suggest the combination set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claim 11 calls for features similar to those set out in the above excerpt of claim 1 and therefore is patentably distinguishable over the relied on sections of Utsonomiya and Yoshida at least for the same reasons.

Claims 4-7 depend from claim 1, and claims 14-17 depend from claim 11. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Claims 8-10 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsonomiya in view of Yoshida and further in view of Koyama (U.S. Patent No. 6,122,010). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 8 and 18 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 10 and page 51 of the specification.

As amended herein, **claim 8** recites:

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction[.]

(Emphasis added.)

For at least the reasons set forth above regarding claim 1 neither the relied on sections of Utsonomiya nor the relied on sections of Yoshida disclose or suggest executing a selection process to select one of a plurality of information recording means having greatest of available capacities of the information recording means.

The relied-on sections of Koyama do not overcome the deficiencies of the relied-on sections of Utsonomiya and Yoshida.

Independent **claim 18** calls for features similar to those set out in the above excerpt of claim 8 and therefore is patentably distinguishable over the relied on sections of Utsonomiya, Yoshida and Koyama at least for the same reasons.

Claims 9-10 depend from claim 8, and claims 19-20 depend from claim 18. Therefore, each of the claims is distinguishable over the relied-on art for at least the same reasons.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 21, 2011

Respectfully submitted,
Electronic signature: /Lawrence
E. Russ/
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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